



Minutes of the Development Management Committee

18 June 2012

-: Present :-

Councillor McPhail (Chairwoman)

Councillors Morey (Vice-Chair), Addis, Baldrey, Barnby, Brooksbank, Hill, Kingscote and Pentney

(Also in attendance: Councillors Amil, Davies, Hernandez, Lewis and Thomas (D))

12. Minutes

The Minutes of the meeting of the Development Management Committee held on 21 May 2012 were confirmed as a correct record and signed by the Chairman.

13. Urgent Items

The Committee considered a verbal update raised by the Executive Head of Spatial Planning regarding application P/2010/1383, 1 Warbro Road and application P/2011/0197, Whiterock. The Committee agreed to extend the time limit for six months from the date of this meeting, for the completion of the Section 106 agreement in respect of each application.

14. P/2012/0280/MPA - Edginswell Business Park, Orchard Way, Torquay

The Committee considered an application for full planning permission for a Tesco store (4451 sq mts / 47,910 sq ft) total sales area), of which 2795 sq mts convenience goods space and 1160 sq mts comparison goods space, including a customer café; 977 sq mts (10,516 sq ft) office development (2 no. buildings); associated infrastructure (including new roundabout on Orchard Way and widening of Newton Road between Orchard Way and Riviera Way); new access; 442 parking spaces (of which 371 for Tesco); and landscaping. Outline application for development of a B1 office building (2090 sq mts) with associated parking and access (all matters reserved except layout and means of access) (Departure from Local Plan) Extinguishment of a public right of way Re advertisement.

Prior to the meeting, written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Barry Dunnage, David Watts and Susie Colley addressed the Committee against the application. Mark Scoot, Simon Petar and Richard May spoke in support of the application. In accordance with Standing Order B4.1 Councillor Lewis addressed the Committee.

Resolved:

Refused on the following grounds:

- (i) The proposed 7149m² food retail store would be located on land designated for employment use in the Torbay Local Plan 1995-2011 and consequently would result in the loss of a 2.45 ha of serviced land that is available and highly suitable for employment use. Retention of the site for employment use accords with paragraph 21 in the NPPF, which seeks to promote investment in business. Accessibility to and prominence of, in commercial terms, the site will be significantly improved with delivery of the South Devon Link Road and this will increase the likelihood of an employment use being delivered on the site, given its prominent location at the entrance gateway to Torquay. The Authority is not convinced that a store of the proposed size is required to pump prime the remaining employment area. Loss of the site for employment purposes would result in the loss of opportunity to secure economic growth through the creation of jobs and prosperity in a struggling economically deprived area, characterised by seasonal low paid employment and as such would be contrary to Policies E1.2(B) and E6 in the Torbay Local Plan 1995-2011.
- (ii). The submitted Sequential Site Assessment Report has failed to demonstrate that the applicant has complied with the requirements of paragraphs 24 and 27 of the National Planning Policy Framework and Policies SS and S6 of the Torbay Local Plan 1995-2011 in respect of the sequential approach. The applicant has failed to demonstrate that the town centre options have been thoroughly assessed as sequentially preferable alternatives to the application site. Furthermore, the applicant has not shown sufficient flexibility in relation to the site size and form such that appropriate alternatives have not been given due consideration. Council believes there are opportunity with Torquay and Paignton town centres which can meet the same needs of retail elements of the proposed development. In the event that the sequential test is achieved in this case, the Council has a retail strategy based on gap area analysis that determines that the application site would not be spatially preferable in any event.
- (iii) The Retail Assessment fails to accurately assess the impact of the proposed retail store on the Torquay town centre and Paignton town centre, district centres and local centres. The proposed development by virtue of the inclusion of the retail store would have an adverse impact on investment in, and the vitality and viability of, Torquay Town Centre which would consequently have a detrimental effect on trade/turnover in the town centre, contrary to paragraphs 26, 27 of the NPPF and Policies SS and S6 of the Torbay Local Plan 1995-2011. The applicant has failed to prove that material considerations exist that warrant approval of the application proposals contrary to these policies. Furthermore, the development would have a detrimental impact on other existing Town, local and district centres and the Council does not consider that the evidence submitted in relation to

the retail impact assessment is robust. The potential cumulative impact that the store would have in combination with the district centre at the Willows would be compounded by placing another large store in this location.

- (iv) The external appearance of the food retail store fails to meet the objectives of Policies BES and BE1 in the Torbay Local Plan 1995-2011 and paragraphs 60 and 64 of the NPPF that seek to ensure new development will positively enhance the built environment, ensuring that the integrity of local character and distinctiveness is protected. The proposed building lacks reference to the established built form and character of its setting in Torquay in terms of design, materials and quality of landscape provision and as such would fail to provide a high standard of development that would be fully integrated into the natural, built and historic environment in this very prominent gateway site that has a significant role as the arrival point to a major tourist destination. The bulk and scale of the building proposed would be prominent in this gateway location and run contrary to the prevailing urban fringe approach that has been taken to the existing development at the business park. The visual impact would overpower this environment as one full scale unit is proposed rather than smaller units sited in a landscaped setting.
- (v) The applicant has failed to demonstrate that the traffic generated by the proposed development could be satisfactorily accommodated on the highway network by reason of inadequate assessment of likely traffic generation. As such the traffic arising from the proposed development would have a significant adverse impact on highway safety, capacity and free flow of traffic on the surrounding highway network. In addition the applicant has also failed to demonstrate that the proposed mitigation measures would adequately offset the potential increase in demand. The proposal is therefore contrary to Policy T26 in the Torbay Local Plan 1995-2011.
- (vi) The applicant has failed to satisfy the sustainability aims of Policy CF6 and the Council's SPD "Planning Contributions and Affordable Housing: Priorities and Delivery" to secure the delivery of physical, social and community infrastructure necessary to make the development acceptable in planner terms and directly related to the proposal, by failing to secure planning obligations under Section 106 of the Town and Country Act 1990 (as amended). The Local Planning Authority considers that it would be inappropriate to secure the required obligations and contributions by any method other than a legal agreement and the proposal is therefore contrary to Policy CF6 of the Torbay Local Plan 1995-2011 and paragraph 206 of the NPPF.
- (vii) The proposal would have a noise impact and a negative effect on the amenities of the neighbouring properties.

The Committee resolved that issues of detail in the wording of the formal reasons for refusal in the decision notice be delegated to the Executive Head of Spatial Planning. These include, but are not limited to, the addition of cumulative impact

in reason 3, visual impact in reason 4 and the additional noise impact at reason 7.

15. P/2011/0991/PA - 27 - 29 Walnut Road, Torquay

The Committee considered an application for a change of use to create a single unit to provide sheltered housing accommodation with warden services for vulnerable adults (Re advertisement).

Prior to the meeting written representations were circulated to the Committee. At the meeting Justin Rodway addressed the Committee in support of the application In accordance with Standing Order B4.1 Councillor Amil addressed the Committee.

Resolved:

Approved subject to:

- (i) the conditions and informative as set out in the submitted report, and
- (ii) the completion of a revised Section 106 Legal Agreement

16. P/2012/0272/OA - 15 Newton Road, Torquay

This application was withdrawn by the applicant.

17. P/2012/0344/PA - 91 Avenue Road, Torquay

The Committee considered an application for a proposed change of use from an existing Guest House to Residential Accommodation.

Prior to the meeting a written representation was circulated to the Committee.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Agreement in respect of waste management, lifelong learning and greenspace and recreation within three months of the date of this Committee or the application be re-considered by members; and
- (ii) the informative set out in the submitted report
- (iii) the removal of permitted development from C3 to C4

18. P/2012/0455/PA - 25 Ilisham Road, Torquay

The Committee considered an application for a change of use from Co-op store to luxury high end beauty salon/spa offering a range of treatments to include manicure, pedicure, chiropody, facials, therapeutic massage, waxing etc.

Prior to the meeting written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Mr & Mrs Ricketts addressed the Committee in support of the application.

Resolved:

Approved.

19. P/2012/0500/R3 - Land To The North East Of A3022, Brixham Road And West Of Elberry Lane, Churston

The Committee considered an application in respect of a change of use to temporary park & ride facility for 230 vehicles, with temporary buildings to run until 31st October 2014.

Resolved:

Approved with delegated authority being given to the Executive Head of Spatial Planning to deal with any representations that might be received after the date of this Committee.

20. P/2012/0233/R3 - 145 - 149, Winner Street, Paignton

The Committee considered an application in respect of the construction of 3 new 2 storey flats with 2 bedrooms and 3 new self contained commercial units.

Prior to the meeting written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Mr Peach and Tina Neal addressed the Committee against the application and Adrian Gillette addressed the Committee in support. In accordance with Standing Order B4.1 Councillor Davies addressed the Committee.

Resolved:

Refused on the following grounds:

- (i) The proposed development would have an unacceptable impact on the quality of existing residential environments at No. 151 Winner Street through the loss of light and outlook that would result from the proposed

development. Specifically, in relation to the side windows at No. 151 a number of which are windows to principle rooms. Also the proposal that the bin storage would be sited in the alleyway adjacent to No 151 Winner Street.

- (ii) Lack of planning contributions secured to offset the impact of development upon local physical and social infrastructure,

and potentially; subject to the further views of the Conservation and Design Team
- (iii) Detrimental impact upon the character and appearance of the Old Paignton Conservation Area and nearby listed buildings.

The Committee resolved that issues of detail in the wording of the formal reasons for refusal in the decision notice be delegated to the Executive Head of Spatial Planning.

21. P/2012/0327/PA - Lewton Lodge, Adelphi Lane, Paignton

The Committee considered an application for the change of use from 2 Holiday apartments to 2 Residential apartments.

Prior to the meeting written representations were circulated to the Committee and Members of the Development Management Committee undertook a site visit. At the meeting Stuart Lewton addressed the Committee in support of the application.

Resolved:

Consideration deferred for further negotiations with the applicant in respect of the potential for the change of use to be an enabling form of development to bring forward improvements to the main hotel on Esplanade Road.

22. P/2012/0392/MPA - Land at Junction of Long Road and Waddeton Road, Paignton

The Committee considered an application in respect of the erection of education facility to provide a centre of excellence for carbon reduction, renewable energy and sustainable construction, including a demonstration residential building, parking, landscaping and access (Use Class D1). Closure of vehicular access.

Prior to the meeting Members of the Development Management Committee undertook a site visit. At the meeting Laurence Frewin addressed the Committee in support of the application.

Resolved:

Approved subject to:

- (i) the completion of a Section 106 Agreement in respect of sustainable transport
- (ii) conditions set out in the submitted report and other matters of detail be delegated to the Executive Head of Spatial Planning.

23. P/2012/0461/PA - Barton Pines Holiday Park, Blagdon Road/West Lane, Paignton

The Committee considered an application for a variation of Section 106 Agreement on applications P/2008/1217 and P/2009/0479/PA.

Resolved:

The Section 106 Agreement be varied as requested by the applicant.

Chairwoman